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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,629	08/27/2003	Vidyadhar Sudhir Ranade	C7682(V)	4349

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EXAMINER
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DOLYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/648,629

Applicant(s)

RANADE ET AL

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on August 27, 2002. It is noted, however, that applicant has not filed a certified copy of the EP 02078527 application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chromecek (US Patent No. 3,966,902).

Chromecek teaches compositions comprising an effective amount of an active ingredient such as a cosmetic agent such as an antiperspirant, a bath oil, a fragrance, sunscreen, soap, hair dye, tanning agent, etc., in a carrier comprising a polymer comprising a monomer having hydrophilic functional groups such as hydroxyl, carboxyl, or amino groups and containing aluminum, zinc, or zirconium bound in complex form (see abstract). In Example 16, Chromecek teaches the preparation of a powder comprising fragrant oil as follows: 50 ml of a solution of 2-hydroxyethyl methacrylate complex polymer prepared according to Example 6 and containing 0.385%  $\text{Al}_2\text{O}_3$  and having a solids content of 0.170 g/ml were mixed with 8.4 g of rose oil. The clear solution which was thereby formed could be deposited out in the form of a dry film which did not exhibit syneresis of the fragrant oil. The film could be used as such or after grinding could be used in the form of a powder. A long lasting fragrance releasing effect was obtained in either case. In place of the above-named polymer, copolymers prepared according to Examples 7, 8, 9, 10, 11 and 12 could be advantageously used for entrapping the rose oil as well as other combinations of perfumes, colognes, floral fragrances, odor counteractants and the like as well as flavors such as anise, peppermint, vanilla, rum and the like. (see col. 13, lines 25-44).

Chromecek also teaches that the complex polymer and active agent can be formulated as solutions, sprays, powders and the like (see col. 8, lines 18-25). Chromecek, however, fails to specifically disclose a process for preparing perfume film chips wherein the film is formed containing inclusions of perfume particles, i.e., step (a) of present claim 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the step of adding perfume, e.g. rose oil, to the hydroxyethyl methacrylate complex polymer having  $\text{Al}_2\text{O}_3$ , as in Example 16 of Chromecek, to be equivalent

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to step (a) of present claim 1 because the polymer solution of Chromecek have a solids content of 0.170 g/ml in the 50 ml solution, hence during mixing, the solids would have adsorbed the perfume thus making them into particles prior to filming.

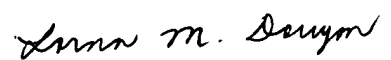
### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**LORNA M. DOUYON**  
**PRIMARY EXAMINER**